

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**DATE: July 15, 2013**

**JUDGE  
MICHAEL H. SCHNEIDER**

**COURT ADMINISTRATOR: Linda Pritchard  
COURT REPORTER: Jan Mason**

<b>ALLERGAN, INC.</b>	
<b>VS.</b>	<b>CAUSE NO:</b>
<b>SANDOZ, INC.</b>	<b>6:11cv441</b>

<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANTS</b>
<b>(SEE ATTACHED SHEET)</b>	<b>(SEE ATTACHED SHEET)</b>

**MINUTES OF FIRST DAY OF BENCH TRIAL**

On this day, came the parties by their attorneys and the following proceedings were had:

<b>OPEN:</b>	<b>8:40 A.M.</b>	<b>ADJOURN:</b>	<b>5:35 P.M.</b>
<b>TIME:</b>	<b>MINUTES:</b>		
8:40 am	Case called. Attorneys announced present and ready.		
8:44 am	Rule invoked by Mr. Bo Davis.		
8:45 am	The Court addressed objections to exhibits. Response by Mr. Barr. Response by Mr. Aendestadt. Response by Mr. Rakoczy.		
8:47 am	The Court addressed objections to various documents.		
8:50 am	Mr. Ward addressed the Court.		
8:51 am	Ms. Brooks addressed the Court. Response by Mr. Alul.		
8:57 am	Witnesses sworn: Amy Batoosingh, Chin-Mind Chang, David LeCause, Thorsteinn Loftsson, Timothy Macdonald, Robert Maness, Robert Noecker, Peter Fritz Kador, Howard M. Leibowitz, Soumyajit Majumdar and John Robert Samples.		

8:57 am	Witnesses placed under the Rule.
9:03 am	Plaintiff's opening statement by Ms. Brooks.
9:24 am	Recess taken.
9:41 am	Court reconvened.
9:42 am	Defendant's opening statement by Mr. David Doyle.
9:59 am	Defendant's opening statement by Ms. DeRieux.
10:05 am	Chin-Ming Chang, witness previously sworn, called by the plaintiff. Direct examination by Ms. Brooks.
10:06 am	Ms. Brooks offered Plaintiff's Exhibits Nos. 54, 256, 72, 251, 73, 257, 55, 240, 78, 245, 232, 221, 56, 48, 1-5, 62 and 76, and Defendant's Exhibit No. DTX -38. Admitted without objection.
10:08 am	Direct examination of Dr. Chang by Ms. Brooks.
10:45 am	Recess taken.
11:02 am	Court reconvened.
11:02 am	Plaintiff's Exhibit No. 71 offered and admitted without objection.
11:02 am	Continuation of direct examination of Dr. Chang by Ms. Brooks.
11:35 am	Cross-examination of Dr. Chang by Mr. Barr.
11:56 am	DTX-163 identified by the witness.
12:01 pm	Recess taken.
1:16 pm	Court reconvened.
1:17 pm	Defendant's Exhibit Nos. 163, 109, 152, 60. Admitted without objection.
1:18 pm	Continuation of cross-examination of Dr. Chang by Mr. Barr.
1:47 pm	Redirect examination of Dr. Chang by Ms. Brooks.
2:05 pm	Witness excused.
2:05 pm	Amy Batoosinhg, witness previously sworn, called by the plaintiff. Direct examination by Ms. Coletti.
2:10 pm	Plaintiff's Exhibit Nos. 48, 49, 135, 142, 164, 213, 214 and 298. Admitted without objection.
2:18 pm	Recess taken.
2:34 pm	Court reconvened.

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2:35 pm	Continuation of direct examination of Amy Batoosingh by Ms. Coletti.
2:56 pm	Cross-examination of Amy Batoosingh by Mr. Rakoczy.
3:31 pm	Recess taken.
3:47 pm	Court reconvened.
3:47 pm	Defendant's Exhibit Nos. 1, 4, 6, 11, 63, 151, 170, 271 and 331 offered. Admitted without objection.
3:48 pm	Cross-examination of Amy Batoosingh by Mr. Acker.
3:50 pm	Redirect examination of Amy Batoosingh by Ms. Coletti.
4:01 pm	Defendant's Exhibit No. 36 offered and admitted without objection.
4:02 pm	Recross-examination of Amy Batoosingh by Mr. Rakoczy.
4:03 pm	Witness excused.
4:03 pm	David LeCause, witness previously sworn, called by the plaintiff. Direct examination by Mr. Thomas.
4:06 pm	Plaintiff's Exhibit Nos. 139, 261 and 261A, 262-B, 263-A and B, 264, 271, 278, 284 and 353-A,B,C,D. Admitted without objection.
4:42 pm	Cross-examination of David LeCause by Mr. Barr.
4:45 pm	Mr. Barr offered Defendant's Exhibits Nos. 135, 108, 140, 412, 143, 120, 127, 125, 802, 796, 797, 798, 799 and Plaintiff's Exhibit No. 353. Admitted without objection.
4:57 pm	Recess taken.
5:06 pm	Court reconvened.
5:06 pm	Continuation of cross-examination of David LeCause.
5:32 pm	Witness stands aside.
5:32 pm	The Court addresses the parties regarding witnesses to be called on Tuesday. Response by Ms. Brooks. Response by Mr. Doyle.
5:35 pm	Court adjourned.

**DAVID J. MALAND, CLERK**

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By: Linda Pritchard  
Courtroom Administrator